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In re Application of :
TOWNS *et al* :
U.S. Application No.: 10/566,855 :
PCT No.: PCT/GB2004/003332 :
Int. Filing Date: 02 August 2003 :
Priority Date: 01 August 2003 :
Attorney Docket No.: 30698CDT445 :
For: ELECTROLUMINESCENT DEVICE :

DECISION

This is a decision on the papers filed on 23 August 2007. No fee is required.

BACKGROUND

On 14 August 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath/declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee must be provided. Applicants were given two months to respond with extensions of time available.

On 23 August 2007, applicants submitted a declaration signed by six inventors.

On 18 September 2007, applicants submitted a Communication noting that one of the inventors, Carl R. Owens is deceased. Applicants included a Supplemental Application Data Sheet which included an updated mailing address of the legal representative of Mr. Owens. Applicants also noted that the title of the declaration filed 23 August 2007 is incorrect.

DISCUSSION

In response to the Form PCT/DO/EO/905 mailed 14 August 2007, applicants submitted a signed declaration on 23 August 2007. The title of the declaration was listed incorrectly. Regardless, the declaration sufficiently identifies the application by listing the proper international application. All inventors executed the declaration including the deceased inventor, Mr. Carl Towns.

However, the declaration is defective because it is only a composite declaration. As submitted, the declaration consists of eight pages, *i.e.*, one Page 1, four Page 2's and two Page 3's. While each inventor need not execute the same oath or declaration,

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each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. By providing only a partial declaration, it is not clear what inventive entity was listed on the declaration signed by each co-inventor.

Applicants must provide a new declaration executed by all the inventors and the legal representative of Mr. Towns. The declaration must indicate that the person is a legal representative and list their citizenship, residence and mailing address. See 37 CFR 1.497(b)(2). The citizenship information for all the inventors (including the deceased inventor) must also be recorded on the declaration. The declaration filed 23 August 2007 cannot be perfected.

CONCLUSION

For the reason noted above, the declaration filed 23 August 2007 is not in compliance with 37 CFR 1.497(a) and (b).

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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